

**From:**  
**Sent:**  
**To:**  
**Subject:**  
**Attachments:**

10-Apr-17 10:47 AM

FW: Updating Ministerial Directions  
MD\_Journalists\_Update\_Plan\_April\_4\_2017.docx; Reviewing MD Regarding  
Journalists.docx; Bill S-231.docx

**Classification:** Secret  
**Classification:** Secret  
**Not for PA / Ne pas classer**

FYI

**From:**

**Sent:** 5-Apr-17 6:49 PM

**To:**

**Cc:**

**Subject:** FW: Updating Ministerial Directions

**Classification:** Secret  
**Classification:** Secret  
**Not for PA / Ne pas classer**

Hi

Further to the tasking below, attached is the remit from PFR mentioned that you are preparing packages for the relevant meetings. I believe is meeting with tomorrow and had asked for this input to be included in her meeting package (as well as for the related DG meeting on Friday). I suspect this would also include 's remit.

Drop by if you need to discuss at all.

Tks

**From:**

**Sent:** 4-Apr-17 2:25 PM

**To:**

**Cc:**

**Subject:** FW: Updating Ministerial Directions

**Classification:** Secret  
**Classification:** Secret  
**Not for PA / Ne pas classer**

Can you consult the first doc with key stakeholders (I am concerned about how they would like us to better define substantial risk; not terribly concerned with other aspects).  
can you please consult the second. I will forward you on the external, information that ADL submitted to Justice on the Senate PMB on this issue.

We appreciate any comments on both (doesn't need to be fancy) by Thursday am so I have a few minutes to discuss them with as I expect files are going to move very quickly this month and we may not have many chances to influence.

can you please print both documents and any comments on Thursday so I can take to meeting Friday am?

Thanks,

**From:** [mailto: ]

**Sent:** 4-Apr-17 1:50 PM

**To:** David Drake (INTERNATIONAL); Robert Sinclair (INTERNATIONAL); Vrany, Nada (PCOSANDI-BCPSETR); Lesley Soper (CBSA-ASFC); Kevin Hattmann (CBSA-ASFC); Alison Whelan (RCMP-GRC); (CSE-CST); (CSE-CST); Vandenberg, Eric EM - Col (DND-MDN); Bell, Meagan MJ (DND-MDN); Meagan Bell (DND-MDN); Marie Roy Marcoux (PCO-BCP); David Janzen (RCMP-GRC); David Clifton (RCMP-GRC); (CSE-CST);

**Cc:** John Davies (PSEPC-SPPCC); Sophie Beecher (PSEPC-SPPCC); (PSEPC-SPPCC); (PSEPC-SPPCC)

**Subject:** Updating Ministerial Directions

CLASSIFICATION:SECRET

Further to the invitation to this Friday's meeting that was sent today on behalf of John Davies, please find the attached papers for discussion.

If you have any questions or comments in advance of the meeting, please don't hesitate to reach out.

Many thanks,

Policy Advisor / Conseiller des politiques  
Intelligence Policy / Politiques du renseignement  
Public Safety Canada / Sécurité publique Canada  
613-990-7119

**From:**

**Sent:** February 28-17 10:53 AM

**To:** Drake, David (INTERNATIONAL); Sinclair, Robert (INTERNATIONAL); Vrany, Nada (PCOSANDI-BCPSETR); Soper, Lesley (CBSA-ASFC); Hattmann, Kevin (CBSA-ASFC); Whelan, Alison (RCMP-GRC); (CSE-CST); (CSE-CST); Vandenberg, Eric EM - Col (DND-MDN)

**Cc:** Davies, John; Beecher, Sophie

**Subject:** RE: MD on Info-Sharing

Hartley, William

CLASSIFICATION:SECRET

My apologies – now with attachment.

CBSA: Please share with Jennifer Lutfallah

On behalf of John Davies, please find the attached deck for discussion at this Friday's meeting.

We have discussed these options with our DM, and recognize you will need time to consult within your own organizations. This meeting is to seek your initial feedback.

Please let us know if you have any questions or comments in advance.

Many thanks,

Policy Advisor / Conseiller des politiques  
Intelligence Policy / Politiques du renseignement  
Public Safety Canada / Sécurité publique Canada

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**Reviewing MD regarding journalists**

The Minister of Public Safety has committed to reviewing Ministerial Directions related to how federal agencies should approach investigations related to journalists.

**Proposed response:**

Direction from the Minister to the heads of Portfolio agencies, outlining his expectations regarding national security investigations that have an impact on, or appear to have an impact on, the work of journalists. It would clarify and expand on existing related MD to CSIS and the RCMP.

The direction would include the following:

**1. Preamble**

- MDs currently note that there are no sanctuaries from law enforcement and intelligence investigations.
- New MD adds a statement about the important role media and journalists play in a free society. This would include a reference to the fundamental freedom of the press and other media of communication, protected by section 2 of the *Charter*.

**2. Definition**

- MDs currently refer to "Canadian fundamental institutions" and the "media", but do not define these terms.
- New MD adds a definition of "journalist". For example, anyone who makes their livelihood by collecting, writing, or producing information for dissemination in the public interest by the media, or anyone who assists such a person.

**3. Decision-Making Process**

- Under the current decision making process, an Assistant Commissioner must approve all investigations involving sensitive sectors.

**From:**  
**Sent:**  
**To:**  
**Cc:**  
**Subject:**

10-Apr-17 11:18 AM

RE: MD on Info-Sharing and Journalists

**Classification: Secret**  
**Classification: Secret**  
**Not for PA / Ne pas classer**

Hi,

Here are the comments on the Journalist MD as provided last week. As discussed, and will have some more prior to COB.

is now looking at the S-231

**Comments:**

The draft is very broad (understandable at this stage) so immediately most questions relate to how it would be translated into meaningful operational guidance that doesn't raise a host of compliance issues.

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**From:**  
**Sent:** 10-Apr-17 11:03 AM  
**To:**  
**Cc:**  
**Subject:** RE: MD on Info-Sharing and Journalists

**Classification:** Secret  
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**Not for PA / Ne pas classer**

and I slightly edited the attached for an external audience.

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**From:**  
**Sent:** 10-Apr-17 10:21 AM  
**To:**  
**Subject:** MD on Info-Sharing and Journalists

**Classification:** Secret  
**Classification:** Secret  
**Not for PA / Ne pas classer**

Hi to both:

I need the written comments you both sent to me emailed to me today pls and thanks so I can get them down to PS ☺  
Won't see them til at least 3:30 so you have til then...

Thx.

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**From:**  
**Sent:**  
**To:**  
**Cc:**  
**Subject:**

10-Apr-17 11:48 AM  
John Davies (PSEPC-SPPC)

MD on Journalists

**Classification:** Secret  
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**Not for PA / Ne pas classer**

John,

Just a bit of follow-up on the meeting we had last week. As we discussed with S-231 and we'll forward you some comments on that in the near term and look forward to supporting any briefings to our MO or Justice MO on the issue.

We'll do more digging on that, as well.

Thanks,

**Comments:**

The draft is very broad (understandable at this stage) so immediately most questions relate to how it would be translated into meaningful operational guidance that doesn't raise a host of compliance issues.

**From:**  
**Sent:**  
**To:**  
**Subject:**  
**Attachments:**

10-Apr-17 10:47 AM

Emailing: S-231\_1.pdf, Fw Bill S-231 (protection of journalistic sources).msg  
S-231\_1.pdf; Fw:

Hey,

That's all I got.

Your message is ready to be sent with the following file or link attachments:

S-231\_1.pdf

Fw Bill S-231 (protection of journalistic sources).msg

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**To:** Carly McDaniel (PSEPC-SPPCC) (mcdanic@ps-sp.gc.ca); (PSEPC-SPPCC)  
**Cc:** (PSEPC-SPPCC)  
**Subject:** FW: Comments on Deck  
**Importance:** High

**Classification:** Secret//CabinetConfidence  
**Classification:** Secret//CabinetConfidence  
**Restriction / Restriction d'accès:** NR / AR  
**File Number / No. de dossier:** 900-2-30

Good afternoon,  
The following comments have just been transmitted to your but I'm sharing at the working level too.

Thanks,

**From:**  
**Sent:** 2-May-17 5:20 PM  
**To:** John Davies (PSEPC-SPPCC)  
**Cc:**  
**Subject:** Comments on Deck  
**Importance:** High

**Classification:** Secret//CabinetConfidence  
**Classification:** Secret//CabinetConfidence  
**Not for PA / Ne pas classer**

John,

Please see below some specific comments on the proposed DM Clerk Deck for your consideration. Specific wording recommendations are **bolded**.

issues, the rest may be useful once you have a bit more time.

Thank you for the opportunity to comment.

Those are the key

To:  
Cc:

Subject:  
Attachments:

FW: A few bullets re: journalistic source framework  
RE: MD on Info-Sharing and Journalists  
MD\_Journalists\_Update\_Plan\_April 4 2017.docx

Classification: Secret  
Classification: Secret  
Restriction / Restriction d'accès: NR / AR  
File Number / No. de dossier:

Hi

Further to our discussion yesterday, below is an overview of Bill S-231 and attached is proposed plan/our comments regarding an MD on Journalists for your info and awareness (also happy for any comments you may have).

Happy to discuss at any point,

#### Bill S-231

##### **Overview**

- The purpose of the Bill is to protect the confidentiality of journalistic sources, which includes information derived from journalists and their sources. Specifically, it brings forward amendments to:
  - The *Criminal Code* by creating a new authorization scheme (similar to s. 38) when the information sought relates to a journalist or to information in the possession of a journalist;
  - The *Canada Evidence Act*, by allowing journalists to object to the disclosure of information before a compellable authority on the grounds that the information identifies or is likely to identify a journalistic source, unless the information (1) cannot be obtained by any other reasonable means and (2) the public interest in the administration of justice outweighs the public interest in preserving the confidentiality of the journalistic source.
- The Bill advances definitions of "journalist" and "journalistic sources", which are broad in nature. For example, the term "journalist" includes anyone who directly contributes to "the collection, writing, or production of information for dissemination by the media", whether regularly or occasionally, or "anyone who assists such a person".
- The Bill also provides that search warrants applicable to journalistic sources may only be issued by judges of a "superior court of criminal jurisdiction or a judge within the meaning of section 552" of the *Criminal Code*, which do not include Federal Court judges.

##### **Potential Impact**

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#### **Links to the revised Ministerial Direction on Journalists**

#### **Operational Considerations**

- The proposed legislation and MD do not appear to consider

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First Session, Forty-second Parliament,  
64-65 Elizabeth II, 2015-2016

SENATE OF CANADA

## BILL S-231

An Act to amend the Canada Evidence Act  
and the Criminal Code (protection of  
journalistic sources)

FIRST READING, NOVEMBER 22, 2016

Première session, quarante-deuxième législature,  
64-65 Elizabeth II, 2015-2016

SENAT DU CANADA

## PROJET DE LOI S-231

Loi modifiant la Loi sur la preuve au Canada  
et le Code criminel (protection des sources  
journalistiques)

PREMIÈRE LECTURE LE 22 NOVEMBRE 2016

4211623

L'HONORABLE SÉNATEUR CARIGNAN, C.P.

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## SUMMARY

This enactment amends the *Canada Evidence Act* to protect the confidentiality of journalistic sources. It allows journalists to not disclose information or a document that identifies or is likely to identify a journalistic source unless the information or document cannot be obtained by any other reasonable means and the public interest in the administration of justice outweighs the public interest in preserving the confidentiality of the journalistic source.

The enactment also amends the *Criminal Code* so that only a judge of a superior court of criminal jurisdiction or a judge within the meaning of section 552 of that Act may issue a search warrant relating to a journalist. It also provides that a search warrant can be issued only if the judge is satisfied that there is no other way by which the desired information can reasonably be obtained and that the public interest in the investigation and prosecution of a criminal offence outweighs the journalist's right to privacy in the collection and dissemination of information. The judge must also be satisfied that these same conditions apply before an officer can examine, reproduce or make copies of a document obtained under a search warrant relating to a journalist.

## SOMMAIRE

Le texte modifie la *Loi sur la preuve au Canada* afin de protéger la confidentialité des sources journalistiques. Il permet aux journalistes de ne pas divulguer un renseignement ou un document identifiant ou susceptible d'identifier une source journalistique, à moins que le renseignement ou le document ne puisse être mis en preuve par un autre moyen raisonnable et que l'intérêt public dans l'administration de la justice l'emporte sur l'intérêt public à préserver la confidentialité de la source journalistique.

Le texte modifie aussi le *Code criminel* afin que seul un juge d'une cour supérieure de juridiction criminelle ou un juge au sens de l'article 552 de cette loi puisse décerner un mandat de perquisition concernant un journaliste. Le texte prévoit qu'un mandat de perquisition ne peut être décerné que si le juge est convaincu qu'il n'existe aucun autre moyen par lequel les renseignements recherchés peuvent raisonnablement être obtenus et que l'intérêt public à faire des enquêtes et entreprendre des poursuites relatives à des infractions criminelles l'emporte sur le droit du journaliste à la confidentialité dans le processus de collecte et de diffusion d'informations. Le juge doit aussi être convaincu que ces mêmes conditions sont réunies avant qu'un fonctionnaire puisse examiner, reproduire ou faire des copies d'un document obtenu conformément à un mandat de perquisition concernant un journaliste.

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1st Session, 42nd Parliament,  
64-65 Elizabeth II, 2015-2016

SENATE OF CANADA

## BILL S-231

An Act to amend the Canada Evidence Act and the Criminal Code (protection of journalistic sources)

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

### Short Title

#### Short Title

1 This Act may be cited as the *Journalistic Sources Protection Act*.

R.S., c. C-5

### Canada Evidence Act

2 The *Canada Evidence Act* is amended by adding the following after section 39:

### Journalistic Sources

#### Definitions

39.1 (1) The following definitions apply in this section.

**document** has the same meaning as in section 487.011 of the *Criminal Code*. (*document*)

**journalist** means a person who contributes directly, either regularly or occasionally, to the collection, writing or production of information for dissemination by the media, or anyone who assists such a person. (*journaliste*)

**journalistic source** means a source that confidentially transmits information to a journalist on the journalist's undertaking not to divulge the identity of the source, whose anonymity is essential to the relationship between the journalist and the source. (*source journalistique*)

4211623

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1st Session, 42nd Legislature,  
64-65 Elizabeth II, 2015-2016

SENAT DU CANADA

## PROJET DE LOI S-231

Loi modifiant la Loi sur la preuve au Canada et le Code criminel (protection des sources journalistiques)

Sa Majesté, sur l'avis et avec le consentement du Sénat et de la Chambre des communes du Canada, édicte :

### Titre abrégé

#### Titre abrégé

1 Loi sur la protection des sources journalistiques.

L.R., ch. C-5

### Loi sur la preuve au Canada

2 La Loi sur la preuve au Canada est modifiée par adjonction, après l'article 39, de ce qui suit :

### Sources journalistiques

#### Définitions

39.1 (1) Les définitions qui suivent s'appliquent au présent article.

**document** S'entend au sens de l'article 487.011 du Code criminel. (*document*)

**journaliste** Personne qui contribue directement, soit régulièrement ou occasionnellement, à la collecte, la rédaction ou la production d'informations en vue de leur diffusion par les médias, ou tout collaborateur de cette personne. (*journalist*)

**source journalistique** Source qui transmet confidentiellement de l'information à un journaliste avec son engagement, en contrepartie, de ne pas divulguer l'identité de la source, dont l'anonymat est essentiel aux rapports entre le journaliste et la source. (*journalistic source*)

### Application

(2) This section applies despite any other provision of this Act or any other Act of Parliament.

### Objection

(3) Subject to subsection (7), a journalist may object to the disclosure of information or a document before a court, person or body with the authority to compel the disclosure of information on the grounds that the information or document identifies or is likely to identify a journalistic source.

### Power of court, person or body

(4) The court, person or body may raise the application of subsection (3) on their own initiative.

### Objection of court, person or body

(5) When an objection or the application of subsection (3) is raised, the court, person or body shall ensure that the information or document is not disclosed other than in accordance with this section.

### Observations

(6) Before determining the question, the court, person or body must give the parties and interested persons a reasonable opportunity to present observations.

### Authorization

(7) The court, person or body may authorize the disclosure of information or a document only if the court considers that

(a) the information or document cannot be produced in evidence by any other reasonable means; and

(b) the public interest in the administration of justice outweighs the public interest in preserving the confidentiality of the journalistic source, having regard to

(i) the essential role of the information or document in the proceeding,

(ii) freedom of the press, and

(iii) the impact of disclosure on the journalistic source and the journalist.

### Application

(2) Le présent article s'applique malgré les autres dispositions de la présente loi et toute autre loi fédérale.

### Opposition

(3) Sous réserve du paragraphe (7), un journaliste peut s'opposer à divulguer un renseignement ou un document auprès d'un tribunal, d'un organisme ou d'une personne ayant le pouvoir de contraindre à la production de renseignements pour le motif que le renseignement ou le document identifie ou est susceptible d'identifier une source journalistique.

### Pouvoir du tribunal, de l'organisme ou de la personne

(4) Le tribunal, l'organisme ou la personne peut soulever l'application du paragraphe (3) de sa propre initiative.

### Mesure intérimaire

(5) Lorsqu'une opposition ou l'application du paragraphe (3) est soulevée, le tribunal, l'organisme ou la personne veille à ce que le renseignement ou le document ne soit pas divulgué, sauf en conformité avec le présent article.

### Observations

(6) Avant de décider la question, le tribunal, l'organisme ou la personne donne aux parties et aux personnes intéressées une occasion raisonnable de présenter des observations.

### Autorisation

(7) Le tribunal, l'organisme ou la personne peut autoriser la divulgation du renseignement ou du document que s'il estime que les conditions suivantes sont réunies :

a) le renseignement ou le document ne peut être mis en preuve par un autre moyen raisonnable;

b) l'intérêt public dans l'administration de la justice l'emporte sur l'intérêt public à préserver la confidentialité de la source journalistique, compte tenu notamment :

(i) du caractère essentiel du renseignement ou du document quant à l'instance,

(ii) de la liberté de la presse,

(iii) des conséquences de la divulgation sur la source journalistique et le journaliste.

### Burden of proof

(8) A person who requests the disclosure has the burden of proving that the conditions set out in subsection (7) are fulfilled.

### Appeal

(9) An appeal lies from a determination under subsection (7)

(a) to the Federal Court of Appeal from a determination of the Federal Court;

(b) to the court of appeal of a province from a determination of a superior court of the province;

(c) to the Federal Court from a determination of a court, person or body vested with power to compel production by or under an Act of Parliament if the court, person or body is not established under a law of a province; or

(d) to the trial division or trial court of the superior court of the province within which the court, person or body exercises its jurisdiction in any other case.

### Limitation period for appeal

(10) An appeal under subsection (9) shall be brought within 10 days after the date of the determination appealed from or within any further time that the court having jurisdiction to hear the appeal considers appropriate in the circumstances.

### Hearing in summary way

(11) An appeal under subsection (9) shall be heard and determined without delay and in a summary way.

R.S., c. C-46

## Criminal Code

3 The Criminal Code is amended by adding the following after section 488:

### Definitions

488.01 (1) The following definitions apply in this section and in section 488.02.

**data** has the same meaning as in section 487.011. (données)

**document** has the same meaning as in section 487.011. (document)

### Fardeau

(8) Il incombe à la personne qui demande la divulgation de démontrer que les conditions énoncées au paragraphe (7) sont remplies.

### Appel

(9) L'appel d'une décision rendu en vertu du paragraphe (7) se fait :

a) devant la Cour d'appel fédérale, s'agissant d'une décision de la Cour fédérale;

b) devant la cour d'appel d'une province, s'agissant d'une décision d'une cour supérieure de la province;

c) devant la Cour fédérale, s'agissant d'une décision d'un tribunal, d'un organisme ou d'une personne investie du pouvoir de contraindre à la production de renseignements sous le régime d'une loi fédérale qui ne constitue pas un tribunal, un organisme ou un personne régi par le droit d'une province;

d) devant la division ou le tribunal de première instance de la cour supérieure de la province dans le ressort de laquelle le tribunal, l'organisme ou la personne a compétence, dans les autres cas.

### Délai d'appel

(10) Le délai dans lequel l'appel prévu au paragraphe (9) peut être interjeté est de dix jours suivant la date de la décision frappée d'appel, mais le tribunal d'appel peut le proroger s'il l'estime indiqué dans les circonstances.

### Procédure sommaire

(11) L'appel interjeté en vertu du paragraphe (9) est entendu et tranché sans délai et selon une procédure sommaire.

L.R., ch. C-46

## Code criminel

3 Le Code criminel est modifié par adjonction, après l'article 488, de ce qui suit :

### Définitions

488.01 (1) Les définitions qui suivent s'appliquent au présent article et à l'article 488.02.

**document** S'entend au sens de l'article 487.011. (document)

**données** S'entend au sens de l'article 487.011. (data)

**journalist** has the same meaning as in subsection 39.1(1) of the *Canada Evidence Act*. (*journaliste*)

**journalistic source** has the same meaning as in subsection 39.1(1) of the *Canada Evidence Act*. (*source journalistique*)

**officer** means a peace officer or public officer. (*fonctionnaire*)

#### Warrant, authorization and order

(2) Despite any other provision of this Act or any other Act of Parliament, a search warrant under this Act, notably under section 487, 487.1, 492.1 or 492.2, or any other Act of Parliament, an authorization under section 184.2, 184.3, 186 or 188, or an order under any of sections 487.014 to 487.017 relating to a journalist or an object, document or data relating to or in the possession of a journalist may be issued only by a judge of a superior court of criminal jurisdiction or by a judge within the meaning of section 552.

#### Warrant, authorization and order

(3) A judge may issue a warrant, authorization or order under subsection (2) only if, in addition to the conditions required for the issue of the warrant, authorization or order, he or she is satisfied that

(a) there is no other way by which the information can reasonably be obtained; and

(b) the public interest in the investigation and prosecution of a criminal offence outweighs the journalist's right to privacy in gathering and disseminating information.

#### Conditions

(4) The warrant, authorization or order may contain any conditions that the judge considers appropriate to protect the confidentiality of journalistic sources and to limit the disruption of journalistic activities.

#### Powers

(5) The judge who rules on the application for the warrant, authorization or order has the same powers, with the necessary adaptations, as the authority who may issue the warrant, authorization or order.

#### Documents

**488.02 (1)** Any document obtained pursuant to a warrant, authorization or order issued under subsection

**fonctionnaire** Agent de la paix ou fonctionnaire public. (*officier*)

**journaliste** S'entend au sens du paragraphe 39.1(1) de la *Loi sur la preuve au Canada*. (*journalist*)

**source journalistique** S'entend au sens du paragraphe 39.1(1) de la *Loi sur la preuve au Canada*. (*journalistic source*)

#### Mandat, autorisation et ordonnance

(2) Malgré les autres dispositions de la présente loi et toute autre loi fédérale, un mandat de perquisition prévu par la présente loi, notamment aux articles 487, 487.1, 492.1 ou 492.2, ou toute autre loi fédérale, une autorisation prévue aux articles 184.2, 184.3, 186 ou 188, ou une ordonnance prévue à l'un des articles 487.014 à 487.017, concernant un journaliste ou une chose, un document ou des données concernant un journaliste ou en sa possession, ne peut être décerné que par un juge d'une cour supérieure de juridiction criminelle ou un juge au sens de l'article 552.

#### Mandat, autorisation et ordonnance

(3) Un juge ne peut décerner un mandat, une autorisation ou une ordonnance visé au paragraphe (2) que si, en plus des conditions requises à l'émission du mandat, de l'autorisation ou de l'ordonnance, il est convaincu, à la fois :

a) qu'il n'existe aucun autre moyen par lequel les renseignements peuvent raisonnablement être obtenus; et

b) que l'intérêt public à faire des enquêtes et entreprendre des poursuites relatives à des infractions criminelles l'emporte sur le droit du journaliste à la confidentialité dans le processus de collecte et de diffusion d'informations.

#### Conditions

(4) Le mandat, l'autorisation ou l'ordonnance peut être assorti des conditions que le juge estime indiquées afin de protéger la confidentialité des sources journalistiques et de limiter la perturbation des activités journalistiques.

#### Pouvoirs

(5) Le juge qui statue sur la demande pour le mandat, l'autorisation ou l'ordonnance dispose des mêmes pouvoirs, avec les adaptations nécessaires, que l'autorité qui peut décerner le mandat, l'autorisation ou l'ordonnance.

#### Documents

**488.02 (1)** Tous les documents obtenus conformément à un mandat, une autorisation ou une ordonnance décer-

488.01(3) is to be placed in a packet and sealed by the court that issued the warrant, authorization or order and is to be kept in the custody of the court in a place to which the public has no access or in such other place as the judge may authorize and is not to be dealt with except in accordance with this section.

#### Notice

(2) No officer is to examine or reproduce, in whole or in part, a document referred to in subsection (1) or make copies of it without giving the journalist and relevant media outlet notice of his or her intention to examine or reproduce the document or make copies of it.

#### Application

(3) The journalist or relevant media outlet may, within 10 days of receiving the notice referred to in subsection (2), apply to a judge of the court that issued the warrant, authorization or order to issue an order that the document is not to be disclosed to an officer on the grounds that the document identifies or is likely to identify a journalistic source.

#### Disclosure: prohibition

(4) A document that is subject to an application under subsection (3) is to be disclosed to an officer only following a disclosure order in accordance with paragraph (7)(b).

#### Disclosure order

(5) The judge may order the disclosure of a document only if he or she is satisfied that

(a) there is no other way by which the information can reasonably be obtained; and

(b) the public interest in the investigation and prosecution of a criminal offence outweighs the journalist's right to privacy in gathering and disseminating information.

#### Examination

(6) The judge may, if he or she considers it necessary, examine a document to determine whether it should be disclosed.

#### Order

(7) The judge must,

ne conformément au paragraphe 488.01(3) sont placés dans un paquet scellé par le tribunal qui a décerné le mandat, l'autorisation ou l'ordonnance; ce paquet est gardé par le tribunal, en un lieu auquel le public n'a pas accès ou en tout autre lieu que le juge peut autoriser et il ne peut en être disposé que conformément au présent article.

#### Avis

(2) Aucun fonctionnaire ne doit examiner ni reproduire, en tout ou en partie, un document visé au paragraphe (1) ou en faire des copies sans donner au journaliste et à l'organe de presse intéressé un avis de son intention d'examiner ou de reproduire le document ou d'en faire des copies.

#### Demande

(3) Le journaliste ou l'organe de presse intéressé peut, dans les dix jours de la réception de l'avis visé au paragraphe (2), demander à un juge du tribunal qui a décerné le mandat, l'autorisation ou l'ordonnance de rendre une ordonnance afin qu'un document ne puisse être communiqué à un fonctionnaire pour le motif que le document identifie ou est susceptible d'identifier une source journalistique.

#### Communication : interdiction

(4) Un document qui fait l'objet d'une demande en vertu du paragraphe (3) ne peut être communiqué à un fonctionnaire que suivant une ordonnance de communication rendue conformément à l'alinéa (7)b).

#### Communication : ordonnance

(5) Le juge ne peut ordonner la communication d'un document que s'il est convaincu que les conditions suivantes sont réunies :

a) il n'existe aucun autre moyen par lequel les renseignements peuvent raisonnablement être obtenus;

b) l'intérêt public à faire des enquêtes et entreprendre des poursuites relatives à des infractions criminelles l'emporte sur le droit du journaliste à la confidentialité dans le processus de collecte et de diffusion d'informations.

#### Examen

(6) Le juge peut, s'il l'estime nécessaire, examiner un document pour établir s'il doit être communiqué.

#### Ordonnance

(7) Le juge ordonne,

(a) if he or she is of the opinion that the document should not be disclosed, order that it be returned to the journalist or the media outlet, as the case may be; or

(b) if he or she is of the opinion that the document should be disclosed, order that it be delivered to the officer who gave the notice under subsection (2), subject to such restrictions and conditions as the judge deems appropriate.

**488.03** Sections 488.01 and 488.02 apply despite any other provision of this Act or any other Act of Parliament.

a) s'il est d'avis que le document ne doit pas être communiqué, qu'il soit remis au journaliste ou à l'organe de presse, selon le cas;

b) s'il est d'avis que le document doit être communiqué, qu'il soit remis au fonctionnaire qui a donné l'avis prévu au paragraphe (2), sous réserve des restrictions et conditions qu'il estime appropriées.

**488.03** Les articles 488.01 et 488.02 s'appliquent malgré les autres dispositions de la présente loi et toute autre loi fédérale.

10

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## EXPLANATORY NOTES

### Canada Evidence Act

Clause 2: New.

### Criminal Code

Clause 3: New.

## NOTES EXPLICATIVES

### Loi sur la preuve au Canada

Article 2 : Nouveau.

### Code criminel

Article 3 : Nouveau.

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**From:**  
**Sent:**  
**To:**  
**Cc:**  
**Subject:**

4-Apr-17 2:26 PM

Fw:

Per my internal, would appreciate this provided to me on thurs along with anything you collect, in advance of my mtg Friday. Thx!

---

**From:** Bouzigon, Mylène <Mylene.Bouzigon@justice.gc.ca>

**Sent:** Sunday, April 2, 2017 3:20 PM

**To:**

**Cc:**

**Subject:** I

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I hope this responds to your questions. Please note that I am unlikely to be available for most of the day tomorrow and Tuesday.

**Mylène**

**Me Mylène Bouzigon**

Senior General Counsel | Avocate générale principale  
Department of Justice | Ministère de la Justice

National Security Litigation | Groupe Litiges et conseils  
& Advisory Group | en sécurité nationale  
(613) 842-1197 / (613) 231-0027 | [bouzigon.mylene@justice.gc.ca](mailto:bouzigon.mylene@justice.gc.ca) | Facsimile - télécopieur: (613) 842-1345  
Government of Canada | Gouvernement du Canada

**From:**  
**Sent:** 12-Apr-17 12:58 PM  
**To:**  
**Cc:**  
**Subject:** FW: (

FYI – I talked to about this today. We should be good based on what we provided yesterday but just in case.

**From:**  
**Sent:** 12-Apr-17 12:54 PM  
**To:**  
**Subject:** Fw: CPAU Request: S-231 (protection of journalistic sources)- BN- Strategy

Just fyi, nothing needed yet.

**From:**  
**Sent:** Wednesday, April 12, 2017 12:53 PM  
**To:** Bouzigon, Mylène  
**Subject:** Re:

Many thanks, Mylene. Will coordinate with (and hopefully, I)

**From:** Bouzigon, Mylène  
**Sent:** Wednesday, April 12, 2017 12:44 PM  
**To:**  
**Subject:** TR: (

Mylène

**Me Mylène Bouzigon**  
Senior General Counsel / Avocate générale principale

(613) 842-1197 / (613) 231-0027 | [bouzigon.mylene@justice.gc.ca](mailto:bouzigon.mylene@justice.gc.ca) | Facsimile - télécopieur: (613) 842-1345

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**From:**  
**Sent:** 26-Apr-17 1:46 PM  
**To:**  
**Cc:**  
**Subject:** RE: MD stuff

**Classification:** Secret  
**Classification:** Secret  
**Not for PA / Ne pas classer**

Hi,

Just spoke with [redacted] and here is the latest:

- Debrief on Ministerial Meeting to be included at upcoming DG mtg.
- Information I got from [redacted] similar to info you provided based on debrief from [redacted].
- [redacted]
- Should have a draft early next week to review.

Thanks

---

**From:**  
**Sent:** 26-Apr-17 10:34 AM  
**To:**  
**Cc:**  
**Subject:** MD stuff

**Classification:** Secret  
**Classification:** Secret  
**Not for PA / Ne pas classer**

Hi,

Please add this to our list of things to discuss.

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**From:**  
**Sent:**  
**To:**  
**Cc:**  
**Subject:**  
**Attachments:**

11-Apr-17 11:32 AM

FW: A few bullets re: journalistic source framework

**Classification:** Secret  
**Classification:** Secret  
**Restriction / Restriction d'accès:** NR / AR  
**File Number / No. de dossier:**

You may wish to provide this to [redacted] for his background/awareness of why we need to go and brief the MOs on these issues. We will need to do this asap as the government response to the bill is currently under consideration.  
Thanks,

**From:**  
**Sent:** 11-Apr-17 10:38 AM  
**To:**  
**Cc:**  
**Subject:** FW: A few bullets re: journalistic source framework

**Classification:** Secret  
**Classification:** Secret  
**Restriction / Restriction d'accès:** NR / AR  
**File Number / No. de dossier:**

Hi

As requested, [redacted] had a look at Bill S-231 in consideration of the proposed MD on Journalists. The below lays out the issues [redacted] and offers some initial thinking in light of the proposed MD and operational considerations based on our talk with [redacted]

[redacted] We can dig into this further but the below does offer a good overview of the current challenges for [redacted] consideration.

Happy to discuss,

#### Bill S-231

#### **Overview**

- The purpose of the Bill is to protect the confidentiality of journalistic sources, which includes information derived from journalists and their sources. Specifically, it brings forward amendments to:

- The *Criminal Code* by creating a new authorization scheme (similar to s.38) when the information sought relates to a journalist or to information in the possession of a journalist;
- The *Canada Evidence Act*, by allowing journalists to object to the disclosure of information before a compellable authority on the grounds that the information identifies or is likely to identify a journalistic source, unless the information (1) cannot be obtained by any other reasonable means and (2) the public interest in the administration of justice outweighs the public interest in preserving the confidentiality of the journalistic source.
- The Bill advances definitions of "journalist" and "journalistic sources", which are broad in nature. For example, the term 'journalist' includes anyone who directly contributes to "the collection, writing, or production of information for dissemination by the media", whether regularly or occasionally, or "anyone who assists such a person".
- The Bill also provides that search warrants applicable to journalistic sources may only be issued by judges of a "superior court of criminal jurisdiction or a judge within the meaning of section 552" of the *Criminal Code*, which do not include Federal Court judges.

### **Potential Impact**

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**Links to the revised Ministerial Direction on Journalists**

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**Operational Considerations**

- The proposed legislation and MD do not appear to consider

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**From:**  
**Sent:** 26-Apr-17 10:33 AM  
**To:**  
**Cc:**  
**Subject:** RE: S-231 briefing material  
**Attachments:** MD on Journalists; MD\_Journalists\_Update\_Plan\_April 4 2017.docx; Min Briefing \_Updating\_MDs\_April 21.pptx; MINISTERIAL BRIEFING.docx

**Classification:** Top Secret / Très secret

**Classification:** Top Secret  
**Classification:** Très secret  
**Not for PA / Ne pas classer**

Greetings,

Further to the below, please find attached briefing material regarding the proposed Ministerial Direction on Journalists. The attached email contains the Service's initial comments on PS proposed plan for MD on journalists (attached word doc). I've also attached the presentation that was used to brief the Minister of PS as well as the talking points provided to (please note that the attached material references both the proposed updates to the foreign info sharing MD as well as the proposed MD on journalists).

By way of an update, following Monday's briefing the Minister approved PS's plans to develop updated Ministerial Direction for both foreign info sharing and journalists. PS is currently developing a draft for consideration by partners (likely within the next week).

can you have someone print this for as well.

Please let me know if you require any further info.

**From:**  
**Sent:** 26-Apr-17 10:09 AM  
**To:**  
**Cc:**  
**Subject:** S-231 briefing material

**Classification:** Top Secret  
**Classification:** Très secret  
**Not for PA / Ne pas classer**

Greetings

In support of tomorrow's briefing to the PS and DOJ MDs, please find attached supporting material re: proposed Bill S-231. Included is:

- An email summarizing the proposed legislation and initial CSIS considerations

- A pdf of the proposed legislation
- A email from summarizing legal considerations

My understanding is that the briefing will be on the proposed bill, however, PS is also considering Ministerial Direction on Journalists, which was the subject of a Minsiterial briefing on Monday (24 April). In case this is referenced during the meeting, I'll provide the supporting material for reference purposes (I will send in a separate email as I'm just awaiting an update from PS but will come shortly).

Please don't hesitate to contact me if you wish to discuss at all. Please note that we did consult with when we drafted up the initial considerations.

Can you please have the attached printed for ?

tk

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**DRAFT**  
**SECRET // CEO**

RESILIENT CANADA

# Updating Ministerial Directions

April 2017

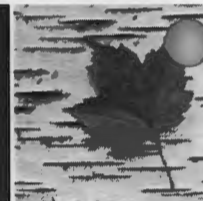


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21 April 17

# Ministerial Directions - Context



BUILDING A SAFE AND RESILIENT CANADA

**SECRET // CEO**

The Public Safety Portfolio is subject to several National Security related Ministerial Directions (MD):

## **CBSA**

- Information-Sharing with Foreign Entities (2011)

## **CSIS**

- Information-Sharing with Foreign Entities (2011)
- Intelligence Priorities (2-year cycle)
- Operations and Accountability (2015)
  - covers investigations involving journalists

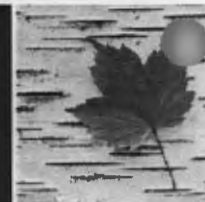
## **RCMP**

- National Security Related Arrangements and Cooperation (2003)
- National Security Investigations in Sensitive Sectors (2003)
  - covers investigations involving journalists
- National Security Responsibility and Accountability (2003)
- Information-Sharing with Foreign Entities (2011)
- Intelligence Priorities (2-year cycle)

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# Objective of this Briefing



BUILDING A SAFE AND RESILIENT CANADA

**SECRET // CEO**

Following a review of the *Ministerial Direction on Information-Sharing with Foreign Entities*

the Department seeks your input on:

Changes to the *Ministerial Direction on Information-Sharing with Foreign Entities*; and,

2

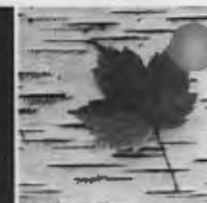
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Public Safety  
Canada

Sécurité publique  
Canada

# Information-Sharing MD - Overview



BUILDING A SAFE AND RESILIENT CANADA

**SECRET // CEO**

## Information-Sharing MD Overview:

- Issued by the Minister of Public Safety to CSIS, CBSA, and RCMP, and by the Minister of National Defence to CSE, in 2011.
- Requires that agencies “must act in a manner that complies with Canada’s laws and legal obligations.”

Explains decision making process for information-sharing in high risk situations:

1. When a substantial risk exists, and it is unclear whether the risk can be mitigated, the matter will be referred to the Deputy Head. The Deputy Head may refer the matter to the Minister.
  2. When dealing with information provided by foreign entities (potentially unsolicited) where there is a serious risk of loss of life or destruction of property, the Deputy Head will decide whether or not to share the information to prevent this from happening.
  3. The agencies have specific decision-making procedures indexed to risk level (See Annex A).
- MD has been criticized in the media and non-governmental organizations, particularly around permitting the use of information derived from torture (See Annex B for more information).



Public Safety  
Canada

Sécurité publique  
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# Information-Sharing MD - [REDACTED]

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**SECRET // CEO**

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# Information-Sharing MD - [REDACTED]

BUILDING A SAFE AND RESILIENT CANADA

**SECRET // CEO**

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# Information-Sharing MD - Considerations

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## 2. MDs Related to Journalists - Overview

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### MDs Related to Journalists - Overview

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# MD Related to Journalists -

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# Way Forward

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# Annex A: Agency Decision-Making Procedures

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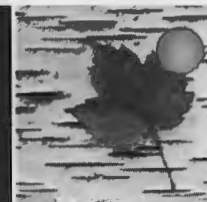
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## Annex B: Criticism of the Information-Sharing MD



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**SECRET // CEO**

Since the Directions were made public in 2012, the media and non-governmental organizations have criticized them, claiming they:

“could result in violations” of the UN Torture Convention. -*UN Committee Against Torture*

violate our international human rights obligations and entrench policies and procedures that led to Arar and AEN cases. Sharing and receiving while “completely unconcerned about risks of torture...has been codified now in ministerial directives”. – *Alex Neve, Amnesty International Canada*

- “operate in obscurity and there is no systemic way for those outside of the security sectors to unearth how they have been used”. – *Craig Forcese*
- “are in stark violation of the most basic human rights...Canada must pass a law to create a clear prohibition on sharing information likely to be derived from, or at risk of leading to, torture. – *Michael Vonn, BCCLA*

- Input received through the National Security Consultations (including 363 emails from BCCLA-led form letter campaign) reiterates these criticisms, and proposes repealing, rewriting or legislating to ban using this information under any circumstances.



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# Annex C: Private Members Bill on Journalistic Sources



BUILDING A SAFE AND RESILIENT CANADA

SECRET // CEO

- **Bill S-231: An Act to amend the Canada Evidence Act and the Criminal Code (protection of journalistic sources)** has passed the Senate.
- The Bill proposes a new *Criminal Code* process for investigative tools relating to work of journalists and Canada Evidence Act (CEA) amendments to protect confidentiality of sources in court.



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## MINISTERIAL BRIEFING: UPDATING MINISTERIAL DIRECTION CSIS Talking Points

### Background

The Deputy Minister (DM) of Public Safety will present a deck that seeks Ministerial approval to develop revised *Ministerial Direction on Information-Sharing* and standalone *Ministerial Direction for investigations related to journalists*.

### Talking Points

#### Slide 3

*If asked about the decision making process within CSIS*

- 

#### Slide 4

*If asked about the proposed changes*

- 

#### Slide 5

*Should the opportunity arise, it may be useful to note the Service' approach to assessments (bullet 3).*

- 

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•  
•  
*If asked about current practice on accountability (bullet 4)*  
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Slide 6

*If asked about the requirement for cooperation with foreign partners:*  
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Slide 7

*If asked about current MD requirements*  
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**Slide 8**

*If asked about the proposals*

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**Slide 9**

*If asked to comment on the considerations*

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**Slide 12**

*If asked about implications to CSIS*

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**Existing Direction: Requirements relating to CPTs****Ministerial Direction for Operations and Accountability:****Fundamental Principles:**

- The greater the risk associated with a particular activity, the higher the authority required for approval.
- The rights and freedoms of individuals shall not be infringed unless the infringement is reasonable and proportional to the objective being pursued, including in accordance with the following principles:
  - the Service must employ the least intrusive operational techniques commensurate to the threat;
  - to the Service shall seek to minimize intrusions on human rights, including privacy, to the extent possible, and in accordance with Canadian law; and
  - the need for the use of intrusive operational techniques must be weighed against possible harm to civil liberties and to Canadian fundamental institutions.

**General Direction:****Notification and Approval of the Minister:**

- Additionally, the Minister should be informed of significant threats to the security of Canada,

**Director's Annual Report to the Minister:**

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**To:**

**Cc:**

**Subject:**

**FW:**

**Importance:**

**High**

**Classification:** Secret

**Classification:** Secret

**Restriction / Restriction d'accès:** NR / AR

**File Number / No. de dossier:** 900-2-36

Hi

Apologies for adding to the below – we wanted to pose an additional question to counsel on file:

Many thanks,

**From:**

**Sent:** 4-May-17 3:57 PM

**To:**

**Cc:**

**Subject:** RE:

**Importance:** High

**Classification:** Secret

**Classification:** Secret

**Restriction / Restriction d'accès:** NR / AR

**File Number / No. de dossier:** 900-2-36

Hi

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A quick follow-up with regards to the below ( : there was an IDM this afternoon that we listened in on, during which CSIS was asked to provide comments by COB tomorrow, specifically on whether the proposed Bill will have an impact on the CSIS Act (though seemed to indicate it would not, they asked that we confirm).

The following additional background may be useful for DLS' review:

•

•

•

Please let us know if you have any questions or wish to discuss,

Best,

**From:**  
**Sent:** 4-May-17 12:33 PM  
**To:**  
**Cc:**  
**Subject:** FW: FAC - Interdepartmental re: Bill S-231 (Protection of Journalistic Sources)

**Classification:** Secret  
**Classification:** Secret  
**Restriction / Restriction d'accès:** NR / AR  
**File Number / No. de dossier:** 900-2-36

Hey,

We'll need to do a few things. Can you go through this first to see if the proposed amendments address any of our concerns? We should probably then touch base with to see about timing. Please ensure there is an entry in the exec sum on this one.

I believe anyone is reviewing.

. Can you please let us know if

Tks

**From:**  
**Sent:** 4-May-17 12:16 PM

**To:**  
**Cc:**  
**Subject:**

FW: FAC - Interdepartmental re: Bill S-231 (Protection of Journalistic Sources)

**Importance:** High

**Classification:** Secret  
**Classification:** Secret  
**Restriction / Restriction d'accès:** NR / AR  
**File Number / No. de dossier:** 900-2-36

FYI -

but I intent is to amend S-231 (protection of journalists) to ensure no impact on CSIS (details below). As an aside, the

**From:**  
**Sent:** 4-May-17 3:57 PM  
**To:**  
**Cc:**  
**Subject:** RE: FAC - Interdepartmental re: Bill S-231 (Protection of Journalistic Sources)  
**Importance:** High

**Classification:** Secret  
**Classification:** Secret  
**Restriction / Restriction d'accès:** NR / AR  
**File Number / No. de dossier:** 900-2-36

Hi

A quick follow-up with regards to the below (I ): there was an IDM this afternoon that we listened in on, during which CSIS was asked to provide comments by COB tomorrow, specifically on whether the proposed Bill will have an impact on the CSIS Act (though seemed to indicate it would not, they asked that we confirm).

The following additional background may be useful for ' review:

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Please let us know if you have any questions or wish to discuss,

Best,

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**From:**  
**Sent:** 4-May-17 12:33 PM  
**To:**  
**Cc:**  
**Subject:** FW: FAC - Interdepartmental re: Bill S-231 (Protection of Journalistic Sources)

**Classification:** Secret  
**Classification:** Secret  
**Restriction / Restriction d'accès:** NR / AR  
**File Number / No. de dossier:** 900-2-36

Hey,

Recommends that Government support the Bill. We'll need to do a few things. Can you go through this first to see if the proposed amendments address any of our concerns? We should probably then touch base with I to see about timing. Please ensure there is an entry in the excel on this one.

I believe  
anyone is is reviewing.

Tks

Can you please let us know if

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**From:** Boileau, Denise -OGD -Justice -C5

**Sent:** May 4, 2017 9:25 AM

**To:** Canadian Food Inspection Agency (CFIA) / Agence Canadienne D'inspection des Aliments (ACIA) C5; Canadian Heritage / Patrimoine Canadien - Cabinet and Parliamentary Affairs /

Patrimoine Canadien Affaires parlementaires et du cabinet - C5; CBSA -

ASFC\_Cabinet\_Affairs@SECURE2.CBSA'; CIC - Cabinet Affairs - Affaires du Cabinet / C5; CSE - / CSTC - -C5; CSIS-SCRS -C5; DFO-MPO Cabinet Affaire;

'Environment'; Finance Canada - International Trade and Finance - C5; Finances Canada - Finances et échanges internationaux - C5; Industry Canada - CB / Industrie Canada - BC - C5; Industry

Canada / Industrie Canada -C5; Lahaie, Carolyne -DCL -C5; Lessard, Nathalie -DCL -C5; NRCan

Cabinet Strategies - C5 / RNCan Stratégies du Cabinet - C5; Public Health Agency of Canada /

Agence de la santé publique du Canada -C5; 'Public Safety'; Royal Canadian Mounted Police /

Gendarmerie royale du Canada -C5; 'SelinaJoseph@Polhq.cmil.ca'; 'TBS - Ryan Ohare'; 'TBS -

Vanessa Perkins'; Transport Canada - Cabinet Affairs / Affaires du Cabinet -C5; Yokoyama, Tomo -DCL -C5

**Cc:** IM Repository / Répertoire de GI (SIE C5)

**Subject:** Interdepartmental re: Bill S-231 (Protection of Journalistic Sources)

**Attachments:** Bill S-231 (Protection of Journalistic Sources).pdf

**Security/Sécurité:** SECRET / SECRET

Good morning,

Please find attached

Please distribute to your Cabinet Affairs Unit

Thank you,

Denise Boileau  
Cabinet Liaison Officer  
613-948-3027

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**From:**  
**Sent:** 28-Apr-17 11:46 AM  
**To:**  
**Cc:**  
**Subject:** RE: MDs

CLASSIFICATION: SECRET//CANADIAN EYES ONLY

Hi

It won't contain any surprises.

of the approach that the Minister has endorsed. We'll then need to seek Min approval of the MD texts when they're ready.

I will consult you on the annex, hopefully Monday.

Thanks,

**From:**  
**Sent:** April-27-17 5:23 PM  
**To:**  
**Cc:**

**Subject:** RE: MDs

**Classification:** Secret//Canadian Eyes Only  
**Classification:** Secret//Réservé aux Canadiens  
**Not for PA / Ne pas classer**

Hi

Thanks for the note and update on timelines. I just wanted to clarify that myself/ will be your points of contact for the MD relating to journalists. My colleagues in Foreign Info Sharing will be your points of contact on the

Last we spoke, it wasn't clear insight there?

Any further

happy to discuss the transparency initiative if you have any questions, as we have been working on that.

**From:** [mailto:  
**Sent:** 27-Apr-17 3:33 PM  
**To:**  
**Subject:** MDs

CLASSIFICATION: SECRET//CANADIAN EYES ONLY

Hi everyone,

By now you have the debrief from your management on the Min briefing earlier this week, but please see the attached summary. Grateful for your views on that point in particular and how we might be able to incorporate into the info-sharing MD.

Next week, I plan on on these issues and draft MD texts. Tricia was at the meeting this morning where PCO revealed that May 30 - it seems unlikely to me that we'd have agreed upon MD texts for that date, but I can't make that call!

Thinking ahead, we'll also need to consider what can be made public under the Transparency pillar t How much can we say about how decisions are made internally and how are countries assessed for risk. A couple of scenarios (one for incoming info, one regarding outward sharing) would help with communications.

I'll be in touch again soon, but please reach out if you'd like to talk in the meantime.

Thanks again,

Policy Advisor / Conseiller des politiques  
Intelligence Policy / Politiques du renseignement  
Public Safety Canada / Sécurité publique Canada  
613-990-7119

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**PS Ministerial Briefing on Ministerial Directions – April 24, 2017**

**Key Takeaways**

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**PS Ministerial Briefing on Ministerial Directions – April 24, 2017**

**Key Takeaways**

**2. Ministerial Direction on Journalists**

**Annex A:**

**"Ottawa Principles" (False Security, Page 147)**

Information, data, or intelligence that has been obtained through torture or cruel, inhuman or degrading treatment or punishment may not be used as a basis for:

- a) deprivation of liberty;
- b) The transfer, through any means, of an individual from the custody of one state to another;
- c) the designation of an individual as a person of interest, a security threat, or a terrorist or by any other description purporting to link that individual to terrorist activities; or
- d) the deprivation of any other internationally protected human right.

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**From:**

**Sent:**

21-Apr-17 6:06 PM

**To:**

**Cc:**

**Subject:**

RE: Updating Ministerial Directions

**Attachments:**

Min Briefing \_Updating\_MDs\_April 21.pptx

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CLASSIFICATION: SECRET//CANADIAN EYES ONLY

Updated version following our DM's review and your comments (some of which, as you note, can be spoken to during the briefing and we'll work on going forward as we get into details).

Thanks again,

**From:**

**Sent:** April-21-17 4:58 PM

**To:**

**Cc:**

**Subject:** RE: Updating Ministerial Directions

**Classification:** Secret

**Classification:** Secret

**Not for PA / Ne pas classer**

Hi

Thanks again for the time. As discussed, attached is background info and some comments on the deck:

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**From:**

**Sent:** 21-Apr-17 2:58 PM

**To:**

Sinclair (INTERNATIONAL); Lesley Soper (CBSA-ASFC); Kevin Hattmann (CBSA-ASFC); Alison Whelan (RCMP-GRC);

(CSE-CST);

(RCMP-GRC);

(DND-MDN); Nada Vransy (PCO-BCP);

(CSE-CST);

(CSE-CST);

(CSE-CST);

David Drake (INTERNATIONAL); Isabelle Martin (INTERNATIONAL); Robert

Meagan Bell (DND-MDN); Eric Vandenberg

(PSEPC-SPPCC)

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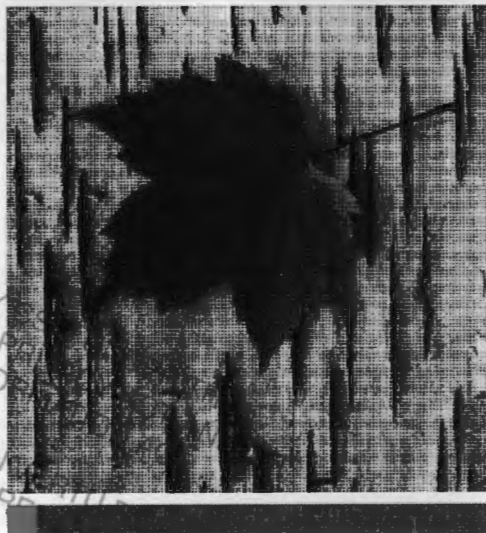


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# Enhancing Canada's National Security Framework

Presentation to DMC



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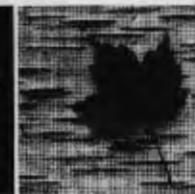
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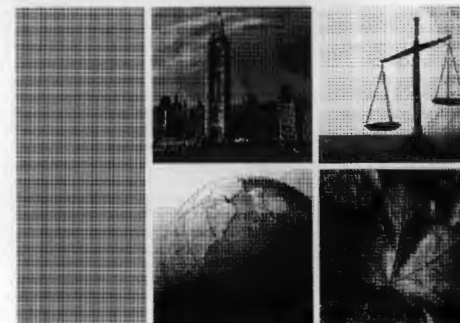
# Objective

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**Our Security, Our Rights**

National Security Green Paper, 2016

## • Background:

- **Mandate:** "Work in collaboration with the Minister of Justice to repeal the problematic elements of former Bill C-51 and introduce new legislation that strengthens accountability with respect to national security and better balances collective security with rights and freedoms."
- Spring – December, 2016, Government undertook **unprecedented public consultations** on a range of national security issues.



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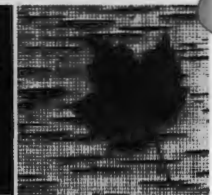
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# DRAFT

# Context

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## Results of the Consultation on National Security

58,933	online responses
17,862	email submissions
79	expert submissions
15	in-person sessions
5	public town halls
3	digital events

**SECU** study of the national security framework including the Green Paper

**ETHI** study of the *Security of Canada Information Sharing Act*

**Independent report on the results of the consultations to be released (Mid-May)**

Online responses and email submissions have been posted to the **Open Government Portal**

Report released: "*Protecting Canadians and their Rights: A New Roadmap for Canada's National Security*" (May 2)

Report released: "*Safeguarding Canada's National Security while Protecting Canadians' Privacy Rights*" (May 1)



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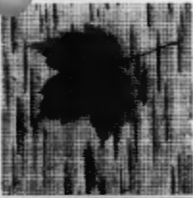
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## Public Safety led Policy Initiatives

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**Annex A**

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### Consultation feedback:

- Primarily through BCCLA-led form letter campaign (350+ emails): MDs "are in stark violation of the most basic human rights... Canada must pass a law to create a clear prohibition on sharing information likely to be derived from, or at risk of leading to, torture" Michael Vonn,

BCCLA



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# **Consultation feedback:**

- Although these issues were not discussed in the green paper, media coverage of Quebec surveillance cases and the RCMP/Vice News case generated input from journalism associations related to source protection.



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dedicated

#### Consultation Feedback:

- 82% support extending review to agencies involved in national security that currently lack dedicated review bodies
- 77% believe NSICoP does not obviate the need for strengthened independent review

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### Consultation feedback:

- Across a number of consultation topics, Canadians and stakeholders asked for more information on the need for new national security measures; interpretation of the legal framework for national security; and how national security powers are used.



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### Consultation feedback:

- Addresses the concerns from 78% of respondents who indicated they wanted to strengthen *Charter* compliance of the warrant regime.
- Responds to criticism on the breadth and vagueness of CSIS's new powers, and incorporates recommendations from subject matter experts.
- Does not address criticism that the mandate blurs the line between policing and intelligence gathering.



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### Consultation feedback:

- Consultation input indicated general support for using the "threats to the security of Canada" definition found in the *CSIS Act*, clarifying that advocacy, protest, dissent and artistic expression do not fall within the definition, raising the threshold for disclosure to "necessary" and limiting the list of recipient institutions to only those with a clear security intelligence jurisdiction or responsibility.



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### Consultation feedback:

- 53% of respondents (230 people) stated that an individual's name should be removed after 90 days.
- 43% of respondents stated that the processes for dealing with false positives should be expedited.

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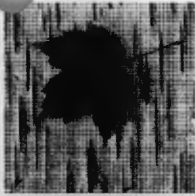
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**Consultation feedback: FPT Privacy Commissioners recommended exploring technical solutions to address encryption-related challenges, rather than introducing new surveillance powers.**

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**Annex B**

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### Consultation feedback:

- Consistent with recommendation from Professors Force and Roach.

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- Consultation feedback:**
- Online: 47% support clarifying the offence so that is more clearly resembles counselling.
  - Strongly criticized: NGOs, Professors Forceze and Roach support repeal.
  - RCMP support for amending offence to more closely resemble counselling.

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### Consultation feedback:

- Associated with feedback on the advocacy and promotion offence.
- Online: 43% support reference to advocacy or promotion of the commission of terrorism offences in general in the definition of terrorist propaganda.
- Some NGOs support the repeal of the terrorist propaganda warrants themselves.
- Others, including Professors Forcese and Roach, support terrorist propaganda warrants, but not current definition – prefer counselling the commission of a terrorism offence or that instructs the commission of a terrorism offence.



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changes to the protections that witnesses and other  
participants in the justice system receive – mostly pertaining to the witness protection  
programs.

#### Consultation Feedback:

- Little feedback overall.
- Online: 50% supported making changes to the protections that witnesses and other participants in the justice system receive – mostly pertaining to the witness protection programs.

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### Consultation feedback:

- No specific concerns about the YCJA were raised; not a Green Paper topic.
- Professors Forcese and Roach suggested that: should make clear that all relevant parts of the YCJA relating to statements, custody, and recognizances apply to those under 18 years of age who are subject to preventative arrest and/or recognizances.



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#### Consultation feedback:

- Sunsetting provisions not part of the consultations.

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### Consultation feedback:

- Online: 62% current safeguards no sufficient
- Some questioned necessity for prosecutions, but recognizance usefulness for terrorist financing (Professors Forcese and Roach).
- Many expressed concern about listing process – greater transparency and procedural fairness.



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### Consultation feedback:

- Lawful access received more than half of all submission received from public and the BSI issue was most referenced, Privacy concerns raised by public and stakeholders.
- FPT Cybercrime Working group conducted two roundtables in March with key stakeholders, privacy concerns highlighted.



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### Consultation feedback:

- Online: 72% say Canada Evidence Act not properly balancing fairness / security and 51% and key justice stakeholders support using security-cleared lawyers.

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SAFE AND RESILIENT CANADA

# Enhancing Canada's National Security Framework

Presentation to DMC

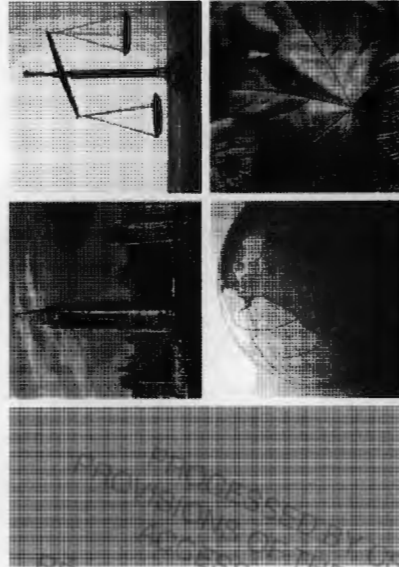


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# Objective

BUILDING A SAFE AND RESILIENT CANADA



**Our Security, Our Rights**

National Security Green Paper, 2016

## Seeking views on proposed national security policy framework

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### Consultation Feedback:

- 82% support extending review to agencies involved in national security that currently lack dedicated review bodies
- 77% believe NSICoP does not obviate the need for strengthened independent review



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### Consultation feedback:

- Across a number of consultation topics, Canadians and stakeholders asked for more information on the need for new national security measures; interpretation of the legal framework for national security; and how national security powers are used.



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# **Consultation feedback:**

- Primarily through BCCLA-led form letter campaign (350+ emails): MDs "are in stark violation of the most basic human rights...Canada must pass a law to create a clear prohibition on sharing information likely to be derived from, or at risk of leading to, torture" — Michael Vonn,

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**Consultation feedback:**

- Although these issues were not discussed in the green paper, media coverage of the Quebec surveillance cases and the RCMP/Vice News case generated input from journalism associations related to source protection.

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### Consultation feedback:

- Addresses the concerns from 78% of respondents who indicated they wanted to strengthen *Charter* compliance of the warrant regime.
- Responds to criticism on the breadth and vagueness of CSIS's new powers, and incorporates recommendations from subject matter experts.



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### Consultation feedback:

- Consultation input indicated general support for using the “threats to the security of Canada” definition found in the CSIS Act, clarifying that advocacy, protest, dissent and artistic expression do not fall within the definition, raising the threshold for disclosure to “necessary” and limiting the list of recipient institutions to only those with a clear national security jurisdiction or responsibility.



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**Consultation feedback:**

- 53% of respondents (230 people) stated that an individual's name should be removed after 90 days.
- 43% of respondents stated that the processes for dealing with false positives should be expedited.

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### Consultation feedback:

- FPT Privacy Commissioners recommended exploring technical solutions to address encryption-related challenges, rather than introducing new surveillance powers.

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### Consultation feedback:

- Lawful access received more than half of all submission received from public and the BSI issue was most referenced, Privacy concerns raised by public and stakeholders
- FPT Cybercrime Working group conducted two roundtables in March with key stakeholders, privacy concerns highlighted.



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# **Consultation feedback:**

- Online: 72% say *Canada Evidence Act* not properly balancing fairness / security and 51% and key justice stakeholders support using security-cleared lawyers.



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**Consultation feedback:**

- Consistent with recommendation from Professors Forcese and Roach.

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### Consultation Feedback:

- Little feedback overall.
- Online: 50% supported making changes to the protections that witnesses and other participants in the justice system receive – mostly pertaining to the witness protection programs.

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### Consultation feedback:

- No specific concerns about the YCJA were raised; not a Green Paper topic.
- Professors Forcese and Roach suggested that: should make clear that all relevant parts of the YCJA relating to statements, custody, and recognizances apply to those under 18 years of age who are subject to preventative arrest and/or recognizances.



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### Consultation feedback:

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### Consultation feedback:

- Online: 62% current safeguards no sufficient.
- Some questioned necessity for prosecutions, but recognize usefulness for terrorism financing (Professors Forcese and Roach)
- Many expressed concern about listing process – greater transparency and procedural fairness.

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### Consultation feedback:

- Online: 47% support clarifying the offence so that is more clearly resembles counselling.
- Strongly criticized: NGOs, Professors Forcese and Roach support repeal.
- RCMP support for amending offence to more closely resemble counselling.



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22

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### Consultation feedback:

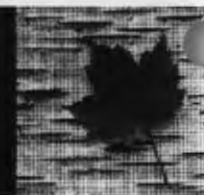
- Associated with feedback on the advocacy and promotion offence.
- Online: 40% support reference to advocacy or promotion of the commission of terrorism offences in general in the definition of terrorist propaganda.
- Some NGOs support the repeal of the terrorist propaganda warrants themselves.
- Others, including Professors Forcese and Roach, support terrorist propaganda warrants, but not current definition – prefer counselling the commission of a terrorism offence or that instructs the commission of a terrorism offence.

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# Parliamentary Committee Reports

## ETHI & SECU



BUILDING A SAFE AND RESILIENT CANADA

- On May 1, the **Standing Committee on Access to Information, Privacy and Ethics (ETHI)** tabled a report entitled: *"Safeguarding Canada's National Security while Protecting Canadians' Privacy Rights"* and made 14 recommendations (Annex 2).
- On May 2, the **Standing Committee on Public Safety and National Security (SECU)** tabled a report entitled, *"Protecting Canadians and their Rights: A New Roadmap for Canada's National Security"* and made 41 recommendations (Annex 3).
- Work is ongoing to better determine how to address or respond to each recommendation.



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# Discussion

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## Seeking views on proposed national security policy framework

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26  
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# Annex 1: Results of the Consultation

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## Results of the Consultation on National Security

58,933 online responses  
17,862 email submissions  
79 expert submissions  
15 in-person sessions  
5 public town halls  
3 digital events

**SECU** study of the national security framework including the Green Paper

**ETHI** study of the *Security of Canada Information Sharing Act*

Independent report on the results of the consultations to be released (Mid-May)

Online responses and email submissions have been posted to the **Open Government Portal**

Report released: *"Protecting Canadians and their Rights: A New Roadmap for Canada's National Security"* (May 2 – 41 recommendations)

Report released: *"Safeguarding Canada's National Security while Protecting Canadians' Privacy Rights"* (May 1 – 14 recommendations)



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## Annex 2: ETHI Recommendations

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That the Government of Canada further study which recipient institutions should be listed in Schedule 3 to the SCISA to ensure that only institutions directly relevant to Canada's national security framework are listed.

That the Government of Canada amend Schedule 3 to the SCISA to list not only the name of potential recipient institutions and their designated heads, but also the specific sections of the statutes administered or implemented by those institutions that may conceivably relate to national security concern.

That the Government of Canada repeal the definition of "activity that undermines the security of Canada" in section 2 of SCISA and replace it with a narrower definition such as the definition of "threats to the security of Canada" in the CSIS Act.

- 4 That the Government of Canada amend subsection 5(1) of SCISA so that any sharing of information under the Act would have to meet the standard of necessity and proportionality.
- 5 That the Government of Canada amend SCISA
  - To clarify that the *Privacy Act* takes precedence over SCISA.
  - To stipulate that the *Privacy Act* continues to apply to all personal information disclosed pursuant to the SCISA.
- 6 That the Government of Canada amend section 5 of the SCISA to clearly stipulate that the recipient institution must respect its mandate and current legislative and collection powers.



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## Annex 2: ETHI Recommendations

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7 That the Government of Canada strengthen the oversight of information sharing by Government of Canada institutions, by considering the following options:

- Establishing a super-agency to provide expert oversight that would review all information-sharing activities by federal security institutions.
- Establishing new oversight bodies, where there are existing gaps, such as the Canada Border Services Agency, capable of cooperating to review information sharing between federal institutions pursuant to SCISA.
- Conferring new powers upon the Security Intelligence Review Committee, the Office of the Communications Security Establishment Commissioner, the Civilian Review and Complaints Commission for the Royal Canadian Mounted Police, and the Privacy Commissioner of Canada that would enable them to:
  - Oversee information sharing among the 14 Government of Canada institutions listed in Schedule 3 to the SCISA as well as their use of information; and
  - Cooperate with other agencies and conduct joint investigations;
- Establishing a parliamentary review mechanism that, on a complementary basis with one or several other expert oversight agencies, would review the information-sharing activities of federal national security institutions.
- Conferring upon the Privacy Commission of Canada the role of overseeing the information sharing of the 14 Government of Canada institutions listed in Schedule 3 to the SCISA as well as their use of information, and that the Privacy Commissioner report his or her findings to Parliament

8 That the Government of Canada amend SCISA to impose on federal institutions and on the recipient institutions listed in Schedule 3 of the Act a legal duty to keep records in order to report on any use or subsequent sharing of information provided to them under the Act.

9 That the Government of Canada amend SCISA in order that the guiding principles listing in section 4 become legal obligations.

10 That the Government of Canada amend SCISA by creating a legal obligation to ensure the reliability of any shared information.



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## Annex 2: ETHI Recommendations

BUILDING A **SAFE** AND **RESILIENT** CANADA

- 11 That the Government of Canada amend section 10 of SCISA to confer upon the Governor in Council the power to make regulations concerning the correction and deletion of information and that the Governor in Council make regulations regarding the correction, deletion and retention of information.
- 12 That the Government of Canada amend the SCISA so as to:
  - Make it a duty for recipient institutions to enter into information-sharing arrangements with disclosing institutions; and
  - Confer upon the Privacy Commissioner of Canada the power to review and comment on all existing or future information-sharing arrangements.
- 13 That the Government of Canada amend section 9 of the SCISA to make it clear and unequivocal that:
  - Only employees acting in good faith in the performance of their duties are immune from civil proceedings; and
  - The Crown remains liable for the actions of its employees.
- 14 That the Government of Canada implement recommendation 10 by the Commission of Inquiry into the Air India tragedy by amending the CSIS Act to require CSIS to report information that may be used in an investigation or prosecution of an offence either to the relevant policing or prosecutorial authorities or to that national security advisor.



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## Annex 3: SECU Recommendations

BUILDING A **SAFE AND RESILIENT CANADA**

- 1 That the *Department of Public Safety and Emergency Preparedness Act* be amended to require the publication of the *Public Report on the Terrorist Threat to Canada*, and specifically include: 1) performance indicators, 2) data information sharing as it related to the *Security of Canada Information Sharing Act* (SCISA), and 3) the obligation that it be annually tabled in Parliament.
- 2 That the Government of Canada increase funding for long-term research as well as the development of professional expertise, both within government and outside government, to understand and address new and evolving threats to national security.
- 3 That Public Safety develop a community-based strategy for the prevention of radicalization to violence based on research data and focusing on best local practices. It should include programs for the empowering of youth and women, inclusion of marginalized persons and groups, and broad community educational activities.
- 4 That counter-radicalization programs continue and expand efforts to stop groups that promote radicalization from gaining a foothold to spread their message of violence, or the precursors to violence.
- 5 That the Government of Canada increase its contribution to and promote the *Communities at Risk: Security Infrastructure Program* to help communities at risk of hate-motivated crimes improve their security infrastructure.
- 6 That the Government of Canada recognize that establishing a national security intelligence committee of parliamentarians is a first step toward increasing the transparency and accountability of security agencies and that other mechanisms must be considered in order to restore Canadians' trust in those agencies.
- 7 That the Government of Canada create an independent and external review body for the operations of the *Canada Border Service Agency*.
- 8 That the Government of Canada establish statutory gateways among all national public safety and national security review bodies in order to provide for the appropriate exchange of information, referral of investigations, conduct of joint investigations and coordination in the preparation of reports.



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## Annex 3: SECU Recommendations

BUILDING A SAFE AND RESILIENT CANADA

9 That the Government of Canada increase funding of all public safety and national security review bodies to enable them to carry out their mandates effectively, matching the increase in activities of the agencies they oversee and to ensure the protection of Canadians' rights and freedoms.

10 That the Government of Canada establish a national security review office as the integrated review body for the bodies inside the government that have a national security mandate that are currently without a review body and that the national security review office act as a coordinating committee for the existing national security review bodies. That national security review office should have the following mandate:

- To ensure that the statutory review gateways among the independent review bodies operate effectively;
- To take steps to avoid duplicative reviews;
- To provide a centralized intake mechanism for complaints regarding the national security activities of federal entities;
- To report on accountability issues relating to practices and trends in the area of national security in Canada, including the effects of those practices and trends on human rights and freedoms;
- To conduct formal public information programs;
- To initiate discussion for co-operative review with independent review bodies for provincial and municipal police forces involved in national security activities.

11 That the reference to the *Canadian Charter of Rights and Freedoms* in section 12.1(3) of the *CSIS Act* be repealed in order to remove the ability to violate the Charter.

12 That before the CSIS engage in disruptive powers, the agency exhaust all other non-disruptive means of reducing threats.

13 That the Government of Canada ensure section 12.1 of the *CSIS Act* requires that all disruption activities that violate Canadian law necessitate a warrant and that the Minister's approval be obtained prior to the activity under section 21.1 of the *CSIS Act*.

14 That the *CSIS Act* be amended in order to include a quarterly report in disruption activities for the Committee of Parliamentarians.



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# Annex 3: SECU Recommendations

BUILDING A SAFE AND RESILIENT CANADA

15 That the Government of Canada ensure that CSIS respects the traditional distinction between intelligence gathering and police disruptive operations by working in concert with the RCMP and other police forces to assist in their investigations and the exercise of their disruptive powers, and no duplicate such investigations or powers.

16 That the Government of Canada restrict preventative detention to only exceptional, narrowly defined circumstances, and ensure conditions of those detained comply with Canadian and international standards on detention and due process.

17 That the Government of Canada study other measures that could be used instead of preventive detention.

18 That sections 83.3(2) and 83.3(4) of the *Criminal Code* be amended in order to remove the wording "may be" and "is likely to" applicable to recognizance with conditions and to replace them with the "balance of probabilities" concept.

19 That section 83.221 of the *Criminal Code* be amended in order to clarify the concept of "terrorism offences in general" and to consider replacing it with "terrorism offences", as defined in section 2 of the *Criminal Code*. Furthermore, the Government of Canada should consider applicable defences modeled after those in section 319(3) of the *Criminal Code* that prohibit the wilful promotion of hatred and contain a number truth and fair comment defences.

20 That the Government of Canada ensure no Canadian is restricted from the legitimate exercise of their right to freedom of expression and freedom of association, and that it remove any provisions in current legislation that may be in contravention to the *Charter of Rights and Freedoms* or restrict the legitimate exercise of rights, particularly those of journalists, protesters, non-governmental organizations and environmental and Indigenous activists.

21 That the definition of "terrorist propaganda" in section 83.222(8) of the *Criminal Code* be amended in order to be limited to material that counsels the commission of a terrorist offence or that instructs the commission of a terrorist offence.



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## Annex 3: SECU Recommendations

BUILDING A SAFE AND RESILIENT CANADA

- 22 That the scope of activities subject to information sharing under the SCISA be narrowed so as to be consistent with all other national security legislation.
- 23 That the Government of Canada change the definition of "activity that undermines the security of Canada" and revise the list of activities enumerated in section 2 of the SCISA in order to ensure that basic civil liberties such as freedom of expression, freedom of association and freedom of peaceful assembly are upheld.
- 24 That the Government of Canada ensure that protections guaranteed under the *Privacy Act* are not abrogated by the SCISA, thus ensuring Canadians' privacy is protected.
- 25 That the proposed Committee of Parliamentarians conduct an immediate review of the operational evaluation of the information exchange process included in the SCISA.
- 26 That the SCISA be amended in order to adopt a model of dual thresholds, one threshold of relevance for the disclosing institutions and a threshold of necessity and proportionality for the recipient institutions currently numbered at 17.
- 27 That the Government of Canada create an office of the national security compliance commissioner to review all national security information sharing activity between and among government departments and agencies, including CSIS and the RCMP, to ensure compliance with the *Charter of Rights and Freedoms* and all Canadian law.
- 28 That the Minister of Public Safety and Emergency Preparedness review the ministerial directives concerning torture to ensure that they are consistent with international law.
- 29 That sections 38 to 38.16 of the *Canada Evidence Act* be amended in order to repeal the two-court system for criminal cases and enable trial judges to review secret information and decide on matters of confidentiality.



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## Annex 3: SECU Recommendations

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- 30 That the *Canada Evidence Act* be amended in order to allow the court to appoint, upon request, or automatically, special advocates, with the necessary security clearance, who will be given access to confidential government information and will be tasked with protecting the interests of the accused and of the public in disclosure proceedings.
- 31 That sections 81(1) and 85.4(1) of the *Immigration and Refugee Protection Act* be amended in order to give special advocates full access to complete security certificate files.
- 32 That the *Secure Air Travel Act* be amended in order to allow an individual who has been denied air travel to confirm with the Passenger Protect Inquiries Office that they themselves are or are not on the Canadian Specified Persons List, and that they do or do not share a name with an individual on the Canadian list.
- 33 That the *Department of Public Safety and Emergency Preparedness Act* be amended to provide that Public Safety Canada's annual report to Parliament include the number of individuals on the Specified Persons List.
- 34 That the Government of Canada enhance the operations of the Passenger Protect Program in order to prevent false positive matches with individuals with the same or similar names.
- 35 That the Government of Canada create an expeditious redress system to assist travelers erroneously identified as a person on the Specified Persons List (known as "false positives") and that it continue to work with foreign government in order to assist Canadians whose names appear on these governments' lists.
- 36 That the *Secure Air Travel Act* be amended in order to require the Minister of Public Safety to respond to an administrative recourse under the Act with 90 days. If the Minister does not respond within the prescribed time period the individual will be automatically removed from the Specified Persons List.
- 37 That the *Secure Air Travel Act* be amended in order to provide for the nomination of a special advocate to protect the interest of individuals who have appealed to have their name removed from the Specified Persons List.



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## Annex 3: SECU Recommendations

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38 That the Government of Canada ensure effective safeguards in the Passenger Protection Program against any unfair infringements on individuals' legitimate right to liberty, freedom of movement, privacy and protections from discrimination on the basis of national or ethnic origin, religion, sexual orientation, or any other characteristic protected by law.

39 That at this time, and following the Supreme Court of Canada's decision in R. v. Spencer, no changes in the lawful access regime for subscriber information and encrypted information be made, but that the House of Commons Standing Committee on Public Safety and National Security continue to study such rapidly evolving technological issues related to cyber security.

40 That the Communications Security Establishment, in acting upon the requests of other national security agencies regarding the surveillance of private communications and the gathering and retention of metadata, work only with appropriate warrants from the agencies making such requests.

41 That cyber security strategies need to adopt a whole of government approach, such as the GCHQ (UK Government Communications Headquarters) approach.



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36